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February 28, 2011

Honorable Edward M. Chen
U.S.D.C. – Northern District
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Update re Production in *In re the Republic of Ecuador*, Case No. C-10-80225 MISC
CRB (EMC)

Dear Judge Chen:

We write jointly to inform you that counsel for the Republic of Ecuador and for Diego Borja have been engaged in successive “meet and confer” sessions to resolve outstanding discovery issues. Borja originally produced a privilege log with 3536 entries, but the parties have conditionally reached agreement for production of a significant portion of those documents.

The parties intend to execute a stipulation under Federal Rule of Evidence 502 agreeing that the act of producing any document currently identified on the privilege log will not constitute a waiver of Borja’s right to assert the privilege stated on the log. The parties intend to provide the Court with a proposed stipulation forthwith, and respectfully ask for the Court’s endorsement.

The parties continue to negotiate on other areas of disagreement regarding assertions of privilege and will further update the Court on Thursday March 3, 2011.

Both parties retain all rights, including to assert or challenge privilege as to all other documents identified in the privilege log.

Respectfully submitted,

/s/
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